

PROB. 12C
DNE 03/2004

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Petition for Warrant or Summons for Offender Under Supervision

Offender: Hoang Nguyen **Docket Number:** 4:08CR03050

Type of Supervision: Supervised Release **Date of This Report:** November 17, 2011

Sentencing Judge: The Honorable George Z. Singal
Chief U.S. District Judge

Assigned to: The Honorable Richard G. Kopf
U.S. District Judge

Offense of Conviction: Conspiracy to Distribute and Possess with Intent to Distribute 50
or more Grams of a Substance Containing Cocaine Base [21
U.S.C. 841(a)(1), (b)(1)(A), and 846]
Date Sentenced: August 10, 2004
Sentence: 70 months custody, 5 years supervised release

Supervision Term: September 21, 2007 through September 20, 2012

Prepared By: Assistant U.S. Attorney: **Defense Attorney:**
Kala Hayden Bruce Gillan David Stickman
U. S. Probation Officer

PETITIONING THE COURT

The undersigned probation officer recommends that a Summons be issued for service upon Hoang Nguyen and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations.

Hoang Nguyen
Petition for Warrant or Summons

November 17, 2011

The probation officer believes the offender has violated the following conditions of supervision:

<u>Allegation No.</u>	<u>Nature of Noncompliance</u>
1	<p>Hoang Nguyen is in violation of the Mandatory Condition which states, “The defendant shall not commit another federal, state, or local crime.”</p> <p>On July 20, 2008, Mr. Nguyen was stopped by officers of the Omaha Police Department and was determined to be operating a motor vehicle while under the influence of alcohol. His blood alcohol content was .082. In addition to driving under the influence, Mr. Nguyen was cited for failure to maintain lane. Mr. Nguyen was cited for the abovementioned charges and released.</p> <p>On October 8, 2008, Mr. Nguyen appeared in Douglas County Court (#CR08-24748) and pled guilty to reckless driving - first offense. He received a \$400 fine, which he has paid in full.</p> <p>The Court was originally notified of this new violation in a Notice of Noncompliance dated August 20, 2008.</p>
2	<p>Hoang Nguyen is in violation of the Mandatory Condition which states, “The defendant shall not commit another federal, state, or local crime.”</p> <p>On October 7, 2009, Mr. Nguyen was observed by officers of the Lincoln Police Department to be operating a motor vehicle while under suspension. In addition to driving under suspension, Mr. Nguyen was cited for failure to signal turn and occupant protection system. Mr. Nguyen was cited for the abovementioned charges and released.</p> <p>On December 22, 2009, Mr. Nguyen appeared in Lancaster County Court (#CR09-20044) and pled guilty to driving under suspension. He was sentenced to six months probation and received a \$100 fine, which he has paid in full. He successfully completed probation on May 7, 2010.</p> <p>The Court was originally notified of this new law violation in a Notice of Noncompliance dated March 10, 2010.</p>
3	<p>Hoang Nguyen is in violation of the Mandatory Condition which states, “The defendant shall not commit another federal, state, or local crime.”</p> <p>On February 9, 2010, Mr. Nguyen was observed by deputies of the Lancaster County Sheriff’s Department to be operating a motor vehicle while under suspension. Mr. Nguyen was cited for the abovementioned charge and released.</p>

Hoang Nguyen
Petition for Warrant or Summons

November 17, 2011

On March 17, 2010, Mr. Nguyen appeared in Lancaster County Court (#CR10-3935) and pled guilty to driving under suspension. He received a \$100 fine, which he has paid in full.

The Court was originally notified of this new law violation in a Notice of Noncompliance dated March 10, 2010.

4 Hoang Nguyen is in violation of **the Mandatory Condition** which states, “The defendant shall not commit another federal, state, or local crime.”

On December 20, 2010, Mr. Nguyen was observed by troopers of the Nebraska State Patrol to be operating a motor vehicle while under suspension. Mr. Nguyen was cited for the above mentioned charge and released.

On April 13, 2011, Mr. Nguyen appeared in Sarpy County Court (#CR11-222) and pled guilty to driving under suspension. He received a \$100 fine, which he has paid in full.

The Court was originally notified of this new law violation in a Notice of Noncompliance dated April 27, 2011.

5 Hoang Nguyen is in violation of **the Mandatory Condition** which states, “The defendant shall not commit another federal, state, or local crime.”

On September 12, 2011, Mr. Nguyen was observed by officers from the Omaha Police Department to be operating a motor vehicle with a suspended license. Mr. Nguyen was cited for the abovementioned charge and released.

Charges are pending in Douglas County Court (#CR11-29196). Mr. Nguyen is scheduled to appear on December 2, 2011.

6 Hoang Nguyen is in violation of **Standard Condition #7** which states, “The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”

On November 9, 2008, Mr. Nguyen submitted a urine specimen which tested presumptive positive for amphetamines.

On March 26, 2011, Mr. Nguyen submitted a urine specimen which tested presumptive positive for cannabinoids.

The Court was originally notified of these positive urine specimens in

Hoang Nguyen
Petition for Warrant or Summons

November 17, 2011

Notices of Noncompliance dated December 18, 2008, and April 27, 2011, respectively.

7

Hoang Nguyen is in violation of **Standard Condition #11** which states, "The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."

Mr. Nguyen failed to notify the probation officer within 72 hours of being cited for driving under suspension on December 20, 2010.

Mr. Nguyen failed to notify the probation officer within 72 hours of being cited for driving under suspension on September 12, 2011.

8

Hoang Nguyen is in violation of **Special Condition #2** which states, "The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without permission from the probation officer or a prescription from a licensed physician."

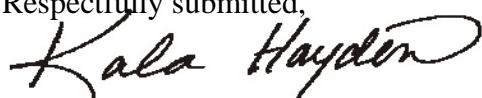
Mr. Nguyen admitted to the probation officer that he consumed alcohol on July 20, 2008, the night he was cited for driving under the influence. His blood alcohol contact at the time was .082.

The Court was originally notified of this violation in a Notice of Noncompliance dated August 20, 2008.

Assistant U.S. Attorney Bruce Gillan has been notified of this action.

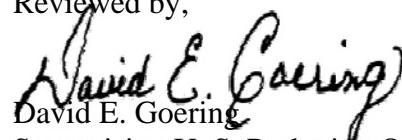
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Kala Hayden
U. S. Probation Officer

Reviewed by,



David E. Goering
Supervising U. S. Probation Officer

Hoang Nguyen
Petition for Warrant or Summons

November 17, 2011

THE COURT ORDERS THAT:

- No action shall be taken.
- A Warrant shall be issued for service upon Hoang Nguyen and a hearing held by the Court to determine whether Hoang Nguyen has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.
- x The U. S. Probation Officer shall summons Hoang Nguyen to appear for a hearing in court to determine whether Hoang Nguyen has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

 The following action to be taken (specify other action):

s/ Richard G. Kopf
The Honorable Richard G. Kopf
U. S. District Judge

November 17, 2011

Date

*** * * NOTICE TO OFFENDER * * ***

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) **written notice of the alleged violation(s);**
- (B) **disclosure of the evidence against you;**
- (C) **an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;**
- (D) **notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.**